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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/716,958

11/22/2000

Hiroshi Sekine

107957

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25944

7590

11/24/2004

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/716,958

Applicant(s)

SEKINE ET AL.

Examiner

Jerome Grant II

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 9, 11, 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-6, 8, 10, 12-16, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

JEROME GRANT II  
PRIMARY EXAMINER

### Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 9, 11, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Myers.

With respect to claim 1, Myers teaches an image processing apparatus shown in figure 4, comprising: an image memory (LUTs), see col.4, lines 30-50, that stores one or more additional images (color patches) in response to a characteristic of an input image (with respect to environmental lighting conditions and/or print characteristics of the printer); a judging unit (inherent processor for processing equations 1 and 2 for determining the white and black characteristics of the image); a synthesizing unit (inherent processor) to add

an additional image (addition and subtraction of color components in eqs. 6, 7 and 8) corresponding to the characteristic (r,g,b)<sub>max</sub> of said input image storage memory (LUT) see col. 4, lines 52-57, to said input image in accordance with the judgment result (RGB)<sub>max</sub> and (RGB)<sub>min</sub> made by the judgment unit.

With respect to claim 7, Myers teaches the image processing apparatus further comprising: a charging unit (12 or other processor inherent to apparatus of figure 4) to calculate a charge amount (.75 blue and .25 black) in response to a characteristic of an output image, see col. 7, lines 35-40.

With respect to claim 9, Myers teaches a charging unit (12 or other processor inherent to apparatus of figure 4) to calculate a charge amount in accordance with the characteristic of the image (obtained from the swatch generated by the printer col. 4, lines 52-60) which is judged by the judging unit, (processor that is inherent in Myers for affecting equations 1 and 2).

With respect to claim 11, Myers teaches an image processing method executed by means of the apparatus shown in figure 4, comprising: an image memory (LUTs), see col. 4, lines 30-50, for facilitating a storage step which stores one or more additional images (color patches) in response to a characteristic of an input image (with respect to environmental lighting conditions and/or print characteristics of the printer); a judging unit (inherent processor for processing equations 1 and 2 for determining the white and black

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characteristics of the image); an adding step facilitated by synthesizing unit (inherent processor) to add an additional image (addition and subtraction of color components in eqs. 6, 7 and 8) corresponding to the characteristic (r,g,b)max of said input image storage memory (LUT) see col. 4, lines 52-57, to said input image in accordance with the judgment result (RGB) max and (RGB)min made by the judgment unit.

## **2. Claims Objected To As Containing Allowable Subject Matter**

Claims 2-6, and 12-16 are objected to as containing allowable subject matter. The allowable subject matter which include wherein said synthesizing means adds said color additional image to said input image when said judging means judges that said input image is the color input image, and also adds said black/white additional image to said input image when said judging means judges that said input image is the black/white image.

Claims 8, 10 18 and 20 are objected as containing allowable subject matter.

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Jerome Grant II from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEROME GRANT II  
PRIMARY EXAMINER



J. Grant II